

EXHIBIT D

Damian Capozzola/Los
Angeles/Kirkland-Ellis
07/08/2005 05:57 PM

To tueno@hawaii.rr.com
ael@ksglaw.com, "Eric Liebeler" <eliebeler@kirkland.com>,
"Emily Reber Porter \ (E-mail)" <eporter@goodsill.com>,
"Rex Fujichaku" <fujichaku@hotmail.com>, "John T. Komeiji"
<JKomeiji@wik.com>, "kgabler" <kgabler@nchc.com>,
"Sheldon Toll \ (E-mail)" <lawtoll@comcast.net>, "Lex Smith"
<lex@gte.net>, "Lyle Hosoda" <lsh@hosodalaw.com>, "Lyle
Hosoda" <lshosoda@hotmail.com>, "Margery Bronster
cc \ (E-mail)" <mbronster@bchlaw.net>, Olivia Samad/Los
Angeles/Kirkland-Ellis@K&E, "Rex Y. Fujichaku"
<rfujichaku@bchlaw.net>, rpbm@Hosodalaw.Com, "Roy
Tjioe \ (E-mail)" <rtjioe@goodsill.com>, "Timothy J. Hogan"
<tjh@loio.com>, "Victor Limongelli \ (E-mail)"
<victor.limongelli@guidancesoftware.com>, "Wesley H.
Ching \ (E-mail)" <WHC@fmhc-law.com>,
dcazzola@kirkland.com, gtom@wik.com
bcc Berry LAs
Subject Fw: PCT-B 000001-000376

Dear Mr. Ueno,

Mr. Hogan recently provided us with your June 21, 2005 "Exhibit A" to the operative Protective Order. Accordingly, we are again sending you PCT-B 000001-000376 subject to the same terms as below. If you have not received these materials by close of business on Monday, July 11, please alert me or Mr. Hogan.

Please also find attached 000377-000379 (in the attached file PCT Docs.pdf); these documents are not subject to any confidentiality restriction.

Thank you for your attention to these matters.

--Damian Capozzola



- PCT Docs.pdf

----- Forwarded by Damian Capozzola/Los Angeles/Kirkland-Ellis on 07/08/2005 05:51 PM -----

Damian Capozzola/Los
Angeles/Kirkland-Ellis
04/25/2005 04:56 PM

To tueno@hawaii.rr.com
"Eric Liebeler \ (E-mail)" <eliebeler@kirkland.com>, "Erin Lee
\ (E-mail)" <eol@fmhc-law.com>, "Emily Reber Porter
\ (E-mail)" <eporter@goodsill.com>, "Julia Morgan"
<jmm@fmhc-law.com>, kgabler@nchc.com, "Sheldon Toll
\ (E-mail)" <lawtoll@comcast.net>, "Leroy Colombe
\ (E-mail)" <lcolombe@ckdbw.com>, "Lex Smith \ (E-mail)"
<lex@gte.net>, "Lyle Hosoda \ (E-mail)"
cc <lsh@hosodalaw.com>, "Lyle Hosoda \ (E-mail)"
<lshosoda@hotmail.com>, "Margery Bronster \ (E-mail)"
<mbronster@bclaw.net>, "Rex Y. Fujichaku"
<rfujichaku@bchlaw.net>, "Roy Tjioe \ (E-mail)"
<rtjioe@goodsill.com>, "Victor Limongelli \ (E-mail)"
<victor.limongelli@guidancesoftware.com>, "Wesley H.
Ching \ (E-mail)" <WHC@fmhc-law.com>, "Timothy J.
Hogan" <tjh@loio.com>
Subject PCT-B 000001-000376

Dear Mr. Ueno,

As you may know, Kirkland & Ellis represents the Post-Confirmation Trust for Fleming Companies, Inc. in connection with the matter of Wayne Berry v. Hawaiian Express Service, Inc., et al. We are sending you today via Federal Express documents PCT-B 000001 to 000376. These documents have been designated and ordered confidential for your eyes only. Because of that designation, neither these documents nor their contents may be shared either with Mr. Hogan or Mr. Berry. Given Mr. Berry's past conduct with respect to the PCT and its predecessors, we respectfully insist on strict and literal compliance with the protective order.

Thank you for your attention to these matters.

Sincerely,

Damian Capozzola

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1 From 7/8/05 Date
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KIRKLAND & ELLIS LLP

Address 777 S FIGUEROA ST FL 37 Dept./Floor/Suite/Room

City LOS ANGELES State CA ZIP 90017-5800

2 Your Internal Billing Reference
44445-6

3 To Thomas Veno Recipient's Name
808 591-0841 Phone

Company
844 Queen Street Dept./Floor/Suite/Room

Address
Honolulu State HI ZIP 96813

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Page 1 of 1

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Signed for by	G.HO	Delivered to	Receptionist/Front Desk
Ship date	Jul 8, 2005	Service type	Priority Pak
Delivery date	Jul 11, 2005 4:41 PM	Weight	7.0 lbs.
Status	Delivered		

Date/Time	Activity	Location	Details
Jul 11, 2005	4:41 PM Delivered		
	9:33 AM On FedEx vehicle for delivery	HONOLULU, HI	
	7:52 AM At local FedEx facility	HONOLULU, HI	
Jul 9, 2005	1:53 AM Arrived at FedEx location	OAKLAND, CA	
Jul 8, 2005	10:53 PM Departed FedEx location	LOS ANGELES, CA	
	9:07 PM Arrived at FedEx location	LOS ANGELES, CA	
	7:08 PM Left origin	LOS ANGELES, CA	
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Damian Capozzola/Los Angeles/Kirkland-Ellis
07/12/2005 02:33 PM

To tjh@loio.com
ael@ksglaw.com, "Eric Liebler" <elieber@kirkland.com>, "Emily Reber Porter \ (E-mail)" <eporter@goodsill.com>, "Rex Fujichaku" <fujichaku@hotmail.com>, gtom@wik.com, "John T. Komeiji" <JKomeiji@wik.com>, "kgabler" <kgabler@nchc.com>, "Sheldon Toll \ (E-mail)" <lawtoll@comcast.net>, "Lex Smith" <lex@gte.net>, "Lyle Hosoda" <lsh@hosodalaw.com>, "Lyle Hosoda" <lshosoda@hotmail.com>, "Margery Bronster \ (E-mail)" <mbronster@bchlawnet>, "Olivia Samad" <OSamad@kirkland.com>, "Rex Y. Fujichaku" <rfujichaku@bchlawnet>, rpbm@Hosodalaw.Com, "Roy Tjioe \ (E-mail)" <rtjioe@goodsill.com>, "Timothy J. Hogan" <tjh@loio.com>, "Victor Limongelli \ (E-mail)" <victor.limongelli@guidancesoftware.com>, "Wesley H. Ching \ (E-mail)" <WHC@fmhc-law.com>
bcc
Subject RE: Various document issues 

Mr. Hogan,

Can you please confirm you will be producing the Ueno documents on or before the 18th? Thank you.

--Damian

Damian Capozzola/Los Angeles/Kirkland-Ellis

Damian Capozzola/Los Angeles/Kirkland-Ellis
07/11/2005 05:18 PM

To "Timothy J. Hogan" <tjh@loio.com>
ael@ksglaw.com, "Eric Liebler" <elieber@kirkland.com>, "Emily Reber Porter \ (E-mail)" <eporter@goodsill.com>, "Rex Fujichaku" <fujichaku@hotmail.com>, gtom@wik.com, "John T. Komeiji" <JKomeiji@wik.com>, "kgabler" <kgabler@nchc.com>, "Sheldon Toll \ (E-mail)" <lawtoll@comcast.net>, "Lex Smith" <lex@gte.net>, "Lyle Hosoda" <lsh@hosodalaw.com>, "Lyle Hosoda" <lshosoda@hotmail.com>, "Margery Bronster \ (E-mail)" <mbronster@bchlawnet>, "Olivia Samad" <OSamad@kirkland.com>, "Rex Y. Fujichaku" <rfujichaku@bchlawnet>, rpbm@Hosodalaw.Com, "Roy Tjioe \ (E-mail)" <rtjioe@goodsill.com>, "Victor Limongelli \ (E-mail)" <victor.limongelli@guidancesoftware.com>, "Wesley H. Ching \ (E-mail)" <WHC@fmhc-law.com>
cc
Subject RE: Various document issues 

Mr. Hogan:

If it was not clearly implied, let it be now: they will be going out FedEx to you tonight.

Are you going to be producing the Ueno documents to Lex's office on or before July 18? Please clarify. Thank you for your attention to these matters.

--Damian Capozzola

"Timothy J. Hogan" <tjh@loio.com>



"Timothy J. Hogan"
<tjh@loio.com>
07/11/2005 05:13 PM

To "Damian Capozzola" <dcazzola@kirkland.com>
<aek@kslaw.com>, "Eric Liebler"
<elieber@kirkland.com>, "Emily Reber Porter \ (E-mail)"
<eporter@goodsill.com>, "Rex Fujichaku"
<fujichaku@hotmail.com>, "John T. Komeiji"
<JKomeiji@wik.com>, "kgabler" <kgabler@nchc.com>,
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<lex@gte.net>, "Lyle Hosoda" <lsh@hosodalaw.com>, "Lyle
cc Hosoda" <lshosoda@hotmail.com>, "Margery Bronster"
<mbronster@bchlawnet>, "Olivia Samad"
<OSamad@kirkland.com>, "Rex Y. Fujichaku"
<rfujichaku@bchlawnet>, <rpbm@Hosodalaw.Com>, "Roy
Tjioe \ (E-mail)" <rtjioe@goodsill.com>, "Victor Limongelli"
<victor.limongelli@guidancesoftware.com>,
"Wesley H. Ching \ (E-mail)" <WHC@fmhc-law.com>,
<gtom@wik.com>

Subject RE: Various document issues

Mr. Capozzola:

Are you going to be sending the financial documents now so that I may have them in advance of the Ueno deposition?

Thanks,

Tim Hogan

Timothy J. Hogan
Lynch Ichida Thompson Kim & Hirota
1132 Bishop Street, Suite 1405
Honolulu, Hawaii 96813
Tel. (808) 528-0100
Fax. (808) 528-4997
Email tjh@loio.com

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From: Damian Capozzola [<mailto:dcazzola@kirkland.com>]
Sent: Monday, July 11, 2005 2:09 PM
To: Timothy J. Hogan
Cc: ael@kslaw.com; Eric Liebler; Emily Reber Porter (E-mail); Rex Fujichaku; John T. Komeiji; kgabler; Sheldon Toll (E-mail); Lex Smith; Lyle Hosoda; Lyle Hosoda; Margery Bronster (E-mail); Olivia Samad; Rex Y. Fujichaku; rpbm@Hosodalaw.Com; Roy Tjioe (E-mail); Timothy J. Hogan; Victor Limongelli (E-mail); Wesley H. Ching (E-mail); dcazzola@kirkland.com; gtom@wik.com
Subject: Various document issues

Mr. Hogan,

This e-mail addresses various issues raised by our communications on Friday afternoon.

First, PCT-B 000001-000376 contain financial information for Fleming's Hawaii facility for April - August 2003. Under the present circumstances and to avoid the need to burden Master Matsui with this issue yet again, we agree that you may review the documents. This applies to you only, not Mr. Berry, regardless of whether or not you subsequently circulate an "Ex. A" for Mr. Berry. We will send you a copy set of the materials. Other counsel who would also like a set should please advise.

Second, if July 18 is truly the best you and Mr. Ueno can do with regard to producing the Ueno documents, I suppose we have little choice but to accept. We will be pleased to extend you the same courtesy and provide you with the remainder of the Kinrich documents four days before Mr. Kinrich's deposition.

Thank you for your attention to these matters.

--Damian Capozzola

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Damian Capozzola/Los
Angeles/Kirkland-Ellis
07/12/2005 06:32 PM

To "Hogan" <tjh@loio.com>
cc "Lex" <lrs@ksqlaw.com>, "Anne" <acl@ksqlaw.com>
bcc "Allison" <amandrews@kirkland.com>; "Ed"
<eyep@kirkland.com>; "Neal" <nsandiego@kirkland.com>
Subject Re: Discovery

I assume these are PCT-B 001-376. If so, you and Mr. Ueno may both view them, stamped legend notwithstanding.

Please confirm your e-mail means the Ueno documents will be at Lex's office prior to close of business on July 18.

Thank you for your attention to these matters.

Damian Capozzola

----- Original Message -----

From: "Timothy J. Hogan" [tjh@loio.com]
Sent: 07/12/2005 08:26 PM
To: <dcazzola@kirkland.com>
Subject: Discovery

It is my understanding Mr. Ueno will produce his materials on or before 7/18/05. In addition, I have received a package from you containing documents marked as Experts Eyes only. Before I or Mr. Ueno view them, I need to confirm that I may view these documents.

Tim Hogan

Timothy J. Hogan
Lynch Ichida Thompson Kim & Hirota
1132 Bishop Street, Suite 1405
Honolulu, Hawaii 96813
Tel. (808) 528-0100
Fax. (808) 528-4997
Email tjh@loio.com

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